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WHAT'S HAPPENING

Michigan Worker Deaths of 2016

One additional Michigan worker death occurred in July 2016, and four Michigan worker deaths occurred in August 2016, bringing the total number of worker deaths to 20 this year. Employers and employees are urged to use extreme care and safety diligence in all work activities. The information below shares preliminary details about the most recent fatalities reported to the Michigan Occupational Safety and Health Administration (MIOsha). The description reflects information provided to MIOsha at the initial report of the incident and are not the result of the official MIOsha investigation.

Preliminary summary of incident #16: On August 10, 2016, a 48-year-old roofer was working at the edge of a roof and fell approximately 17-feet.


Preliminary summary of incident #17: On August 16, 2016, at approximately 8:40 a.m., two electricians fell from a 12-foot high ladder jack scaffold erected on top of a 10-foot welded frame scaffold. The electricians were installing a light fixture that was approximately 25 feet above the concrete slab below. The 75-year-old owner/electrician died from injuries sustained.


Preliminary summary of incident #18: On July 26, 2016 at approximately 7:00 a.m., an employee was moving pickup trucks at a dealership, which were parked in several rows end-to-end and side-by-side. After making space to access and move one of the pickups, the employee got in the pickup to be moved, backed it up and turned and drove it forward into an open space. The employee then opened the door of the pickup that he was inside and driving, when for reasons unknown, the vehicle suddenly and rapidly backed up. The open driver's door hit the adjacent truck and swung all the way back against the front fender of the pickup, resulting in the employee falling out of the pickup truck cab and being crushed between the two pickup trucks.

Preliminary summary of incident #19: On August 19, 2016, a 21-year-old lifeguard was struck by lightning. The lifeguard had observed an incoming storm and as trained, cleared all people from the beach, secured boats, and locked out buildings. For unknown reasons, she went back out and sat on a metal bench 30-50 feet from the shore. She was found unresponsive and CPR was started immediately. Emergency medical services were called and were on scene within a few minutes, taking over CPR. She was flown to a hospital where she succumbed to injuries on August 21, 2016.

Preliminary summary of incident #20: On August 25, 2016, at approximately 8:08 a.m., a 50-year-old ironworker was moving an extension ladder when he fell approximately 22-feet through the second floor elevator shaft opening. The ironworker was transported to the hospital, where he later died.

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There were 29 MIOSHA-related deaths in 2015. 2009 saw the lowest number with 24. Every life is precious. Our mutual goal must be that every employee goes home at the end of their shift every day!

If you need help or assistance in ensuring your workplace is safe, MIOSHA is here with resources to help. The Consultation Education & Training (CET) Division provides workplace safety and health training and consultations to employers and employees throughout Michigan free of charge. Contact CET today at 800-866-4674 or submit a request [online](#).

New Hearing Decision

Last month, an Administrative Law Judge's ("ALJ") decision on citations issued by the General Industry Safety and Health Division became a final order of the board. The citations were issued following a fatality investigation.

The cited company was hired by a utility company to perform "routine maintenance" trimming on a tree. The tree was in close proximity to and touching electrical wires, which had become encased by the tree's foliage. An employee of the cited company was electrocuted while preparing to perform tree trimming duties after his back came in contact with the live wire.

Neighbors interviewed during the investigation revealed the condition of the tree and wires had resulted in several incidents over the prior three years, including branches on the wires and a fire in the tree a year prior to the fatal accident. At the time of the fire, the utility company determined the tree was "hot" and instructed a prior tree trimming company that the tree was unsafe and could not be trimmed. The investigation also determined the area of the tree had recently had some rainfall and the tree was still wet at the time of the accident.

Two Serious Citations were issued from the General Industry Safety Standard [Part 86](#), Electric Power Generation, Transmission, and Distribution:

- 29 CFR 1910.269(C)(2)(i) – inadequate job briefing; and
- 29 CFR 1910.269(R)(1)(iii) – failure to maintain the minimum approach distance from energized conductors.

Proposed penalties totaling of \$12,600 were also issued.

The cited company appealed, contending that an adequate job briefing had been conducted; the utility company had not made them aware of the hazards and prior history of the tree; and that the minimum approach distance had been maintained by the employee at the tie-in point.

Following a hearing on the citations, the ALJ determined that the evidence showed the job briefing held between the foreman and employee was inadequate because it did not address the hazard posed by the tree branches touching the wire. The ALJ also ruled that while evidence suggested the utility company did not properly report the history of prior problems with the tree to the cited company, the cited company had a shared responsibility to address the hazards by ensuring an effective communication mechanism between it and the utility company for identification of existing or potential hazards of the tree. The ALJ ruled failure to have this communication mechanism amounted to a failure to adequately brief and address the job hazards.

The ALJ also determined that the photographic and medical evidence established that the employee had climbed the tree to a point which placed them within the minimum approach distance of the wire, and that the employee backed into the wire.

The ALJ upheld both citations as Serious violations. However, the ALJ reduced the penalties for each violation from \$6,300 to \$3,000, ruling that the responsibility and penalty for the violations should have been shared between the utility company and the cited company. The ALJ's decision also included an immediate abatement order requiring the cited company to inquire and verify that there is a reliable mechanism in place so that critical safety information held by a utility company will be delivered to potentially exposed tree trimmers.

The ALJ's decision was filed with the Board of Health and Safety Compliance and Appeals on July 8, 2016. Both MIOSHA and the employer had the opportunity to file exceptions. MIOSHA filed exceptions concerning the ALJ's reduction of the penalties and to address arguments made by MIOSHA which were not ruled upon by the ALJ in the decision. The Board declined direction of the decision and file for review, resulting in the citations and the reduced penalties becoming a final order.

AGENCY INSTRUCTIONS

August 4, 2016 - [Take A Stand Day \(TASD\) Guidelines](#)

August 25, 2016 – [Advisory Committees for Rule Promulgation and Other Activities - Establishing](#)

August 30, 2016 – [Blight Removal Involving Asbestos, Lead and Cadmium – State Emphasis Program \(SEP\)](#)

MEDIA

August 30, 2016 – [Pioneer Construction and MIOSHA Partner to Ensure Worker Protections During Construction of Mixed-Use Project in Grand Rapids](#)

August 18, 2016 – [MIOSHA Renews Alliance to Protect Workers with Operating; Engineers Local 324 Journeyman and Apprentice Training Fund, Inc.](#)

All of the MIOSHA press releases can be viewed on our [website](#).

VARIANCES

Variances from MIOSHA standards must be made available to the public in accordance with Part 12, Variances (R408.22201 to 408.22251). MIOSHA variances are published on the MIOSHA News website: www.michigan.gov/mioshavariances.

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